IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR.

ORDER

Rajkumar Vs. State

SB CRIMINAL MISC. PETITION NO.5/2005
UNDER SECTION 482 CR.P.C.

Date of Order 26.10.2006.

PRESENT
HON'BLE MR.JUSTICE HARBANS LAL

None present for the petitioner.
Mr. Arun Sharma PP for the State.

BY THE COURT:-

This petition under Section 482 Cr.P.C. seeks quashing of the order dated 9.9.2004 passed by the learned Addl. District & Sessions Judge No.5, Kota in Revision Petition No.32/2003 whereby the revision has been dismissed and the order dated16.5.2003 passed by the learned Judicial Magistrate, First Class, Kota framing charges for the offences under Sections 19 & 20/54 of the Rajasthan Excise Act, 1950 has been up-held.

When the matter was called for admission of the case, no one has put in appearance on behalf of the petitioner. I have, therefore, heard learned Public Prosecutor and have perused the order of the trial court as well as of the learned revisional court. The order of the learned revisional court is well considered and well reasoned which calls for and justifies no interference in exercise of the inherent powers of this court which are to be exercised very

sparingly and with circumspection to prevent the abuse of the process of the court or to secure the ends of justice. There is neither any abuse of the process of the court nor it is otherwise essential to interfere in the impugned order for securing the ends of justice. The learned court below has taken a correct view of the matter.

This apart, the instant petition tantamounts to second revision in the garb of petition under Section 482 Cr.P.C. It appears to have been filed with a view to circumvent the bar on filing of second revision provided under Section 397(3) Cr.P.C. which is not permissible as per settled law.

In view of the fore-going discussion, therefore, I find no ground or justification to admit this petition and the same deserves to be dismissed.

Consequently, this petition under Section 482 Cr.P.C. is hereby dismissed.

(HARBANS LAL)J.